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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048106
Party	Defendant Listen Skateboards, Inc.
Correspondence Address	Listen Skateboards, Inc. 1041 W. 18th Street, B103 Costa Mesa, CA 92627 UNITED STATES
Submission	Answer
Filer's Name	Amanda V. Dwight
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Signature	/Amanda Dwight/
Date	10/23/2007
Attachments	SignedAnswer-LISTEN.pdf ( 6 pages )(761979 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCREEN & BROS.,	)	
	)	
Petitioner,	)	
v.	)	
	)	<b>Cancellation No. 92048106</b>
	)	
LISTEN SKATEBOARDS, INC.	)	
	)	
Registrant.	)	
.....	)	

USPTO  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Registrant, Listen Skateboards, Inc., by and through its counsel, for its Answer to the Petition for Cancellation in the above proceeding, states as follows:

1. As to Sentence No. 1: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 1 of the Petition and therefore denies them.
2. As to Sentence No. 2: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 2 of the Petition and therefore denies them.
3. As to Sentence No. 3: Denied.
4. As to Sentence No. 4: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 4 of the Petition and therefore denies them.

5. As to Sentence No. 5: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 5 of the Petition and therefore denies them.

6. As to Sentence No. 6: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 6 of the Petition and therefore denies them.

7. As to Sentence No. 7: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 7 of the Petition and therefore denies them.

8. As to Sentence No. 8: Denied.

9. As to Sentence No. 9: Denied.

10. As to Sentence No. 10: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 10 of the Petition and therefore denies them.

11. As to Sentence No. 11: Denied.

12. As to Sentence No. 12: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 12 of the Petition and therefore denies them.

13. As to Sentence No. 13: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 13 of the Petition and therefore denies them.

14. As to Sentence No. 14: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 14 of the Petition and therefore denies them.

15. As to Sentence No. 15: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 15 of the Petition and therefore denies them.

16. As to Sentence No. 16: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 16 of the Petition and therefore denies them.

17. As to Sentence No. 17: Registrant has insufficient knowledge or information as to the truth of the allegations in Sentence 17 of the Petition and therefore denies them.

18. As to Sentence No. 18: Denied.

19. As to Sentence No. 19: Denied.

20. As to Sentence No. 20: Denied.

21. As to Sentence No. 21: Denied.

#### AFFIRMATIVE DEFENSES

In further answer to Petitioner's Petition for Cancellation, Registrant asserts:

Affirmative Defense No. 1: The Notice of Opposition fails to state a claim upon which relief may be granted.

Affirmative Defense No. 2: Petitioner was aware of Registrant's use of the mark LISTEN in connection with clothing for a long time but failed to make any claim or assert

any objection to such use. Accordingly, Petitioner's claims are barred in whole or in part by the doctrine of acquiescence.

Affirmative Defense No. 3: Petitioner was aware of Registrant's use of the mark LISTEN in connection with clothing for a long time but failed to make any claim or assert any objection to such use. Accordingly, Petitioner's has waived its rights to the relief sought in the Petitioner for Cancellation by its own acts, conduct and omissions.

Affirmative Defense No. 4: Petitioner was aware of Registrant's use of the mark LISTEN in connection with clothing for a long time but failed to make any claim or assert any objection to such use. Accordingly, Petitioner's claims are barred in whole or in part by the doctrine of laches.

Affirmative Defense No. 5: Petitioner was aware of Registrant's use of the mark LISTEN in connection with clothing for a long time but failed to make any claim or assert any objection to such use. Accordingly, Petitioner's claims are barred in whole or in part by the doctrine of estoppel.

Affirmative Defense No. 6: Petitioner was aware of Registrant's use of the mark LISTEN in connection with clothing for a long time but failed to make any claim or assert any objection to such use. Accordingly, Petitioner's claims are barred in whole or in part by the doctrine of waiver.

Affirmative Defense No. 7: Registrant reserves the right to rely on such other and further affirmative defenses as may be supported by the facts to be determined through full and complete discovery and to amend their Answer to assert such affirmative defenses.

WHEREFORE, Registrant denies that Petitioner is entitled to the relief which it seeks and Registrant affirmatively asserts that it is entitled to retain its registration for the LISTEN mark on the Principal Register of the United States Patent and Trademark Office. Therefore, Registrant requests:

(1) the dismissal of Petitioner's Petition for Cancellation No. 92048106, with prejudice;

(2) the denial of application Serial No. 78/701353 by Petitioner for registration of the mark LISTEN CLOTHING; and

(3) that Registrant be rewarded such other and further relief as the Trademark Trial and Appeal Board deems proper.

Respectfully submitted,

Dated: October 22, 2007

By:   
Amanda V. Dwight, Esq.  
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Attorneys for Registrant

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is: Pacific Plaza, 234 E. 17<sup>th</sup> Street, Suite 105-A, Costa Mesa, CA 92627.

On, October 23, 2007, I served the foregoing document described as:  
**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

by placing  the original  a true copy thereof enclosed in a sealed envelope addressed as follows:

**Ricardo Revelli  
Screen & Bros.  
13610 Imperial Hwy. Suite 7  
Santa Fe Springs, CA 90670**

by **personal service**. I caused the document(s) to be delivered by hand to the parties below:

by **mail**. I deposited such envelope in the mail at Costa Mesa, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

by **facsimile**. I caused the documents to be transmitted to the above party by the facsimile machine located at telephone number (949) 515-0004. For each party served by fax, the transmitting facsimile machine reported the transmission as complete and without error, and properly issued a transmission report.

by **overnight delivery**. I am readily familiar with the firm's practice for collection and processing of documents for overnight delivery and know that the document(s) described herein will be deposited with an overnight delivery service on the same date as indicated on this Proof of Service.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed October 23, 2007, at Costa Mesa California.

  
Amanda V. Dwight